

# Thinking Outside the Cell: A Road Map to More Cost-Effective Corrections



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# Introduction to the Texas Public Policy Foundation

- **TPPF Mission: Individual Responsibility, Free Enterprise, Limited Government, Private Property Rights.**
- **We apply these foundational principles to criminal justice, bringing together stakeholders and working with policymakers and allies across the spectrum.**

**Is it always necessary to increase incarceration in order to reduce crime?**



# Incarceration & Crime

State	Incarceration Rate Change 2000-2007	Crime Rate Change 2000-2007
California	0%	-16%
Florida	+16%	-11%
New York	-16%	-25%
Texas	-8%	-6%

- ▣ Violent crime in New York City down 64% from 2000 to 2007 while 42% fewer inmates.

# Texas Trend: Lower Incarceration *and* Crime Rates

Year	FBI Index Crime Rate	Incarceration Rate Per 100k
2005	4,857.1	681
2010	4,236.4	620
Percent Change	-12.8%	-9.0%

- ▣ Texas' crime rate has reached its lowest level since 1973.

*Sources: Bureau of Justice Statistics and  
Texas Law Enforcement Agency Uniform Crime Reports*

Do only the “worst of the worst” go to prison?



# Prisons Full of Nonviolent Offenders

- ▣ Nationally, half of inmates enter for a nonviolent offense. Nearly two-thirds in Texas are nonviolent, including many for hot checks and prostitution.
- ▣ 20,000 drug possession inmates in Texas, zero in Oregon. 5,000+ are first-time felons.
- ▣ Missouri incarcerates more than 7,000 nonviolent, first-time offenders.

# Did Texas avoid building 17,332 prison beds by letting inmates out early?





# No, the 2005 and 2007 Reforms Were Primarily Budgetary

- ▣ Capacity in programs that offer less costly alternatives to incarceration was expanded and then maintained in 2009 and in the 2011 budget crisis session.
- ▣ Texas did not shorten prison sentence lengths, though parole rate has increased slightly from 27 to 31%, as Board finds that as more inmates are receiving treatment, more are safe to be released with supervision.



# Texas Probation Reform Proves the Right Incentives Work

- ▣ In 2005, additional \$55 million in funding for stronger probation supervision to probation departments that adopted progressive sanctions.
- ▣ Participating probation departments reduced their technical revocations by 16% while those that didn't increased technical revocations 8%.
- ▣ Had all departments increased their revocations by 8%, another 2,640 revocations for an average of 2.5 years at a cost to taxpayers of \$119 million, not including prison construction.
- ▣ Texas probation revocation rate declined from 16.4% in 2005 to 14.7% in 2010.

# Bolstering Texas Parole Supervision: Less Crime, Less Total Spending

- ▣ From 2007 to 2010, 1,306 fewer parolees allegedly committed an offense and 825 fewer were revoked for rule violations, saving \$30.1 million.
- ▣ Parole supervision has added instant drug testing, more substance abuse treatment, more job placement resources, enhanced use of graduated sanctions; restored parole chaplains, and increased officers' emphasis on helping parolees succeed instead of "trail'em, nail'em, and jail'em."

# Do Conservatives Support a Prison for Every Problem?



# Getting Criminal Justice Right

- Gov. Reagan in 1971: “Our rehabilitation policies and improved parole system are attracting nationwide attention. Fewer parolees are being returned to prison than at any time in our history, and our prison population is lower than at any time since 1963.”



# Leadership of Governors

- LA: Gov. Jindal: “hammer away at dubious distinction of highest incarceration rate in the world” with day reporting, jail reentry & work release
- CT: Gov. Rell: Divert non-violent offenders, closed prison in 2009
- TX: Gov. Perry: “rehabilitate nonviolent offenders, spend less locking them up again”
- Govs. Daniels, Deal & Scott launch reforms in 2011



*Gov. Bobby Jindal*





**Conservatives  
Latch on to Prison  
Reform**

January 28, 2011



**Right on Crime Noted  
in “Budget Crunch  
Forces New Approach  
to Prisons”**

February 15, 2011



***National Review*  
Praises Right on  
Crime**

February 21, 2011

# Conservative Leaders Weigh In

- Speaker Newt Gingrich, Drug Czar Bill Bennett, A.G. Ed Meese, Grover Norquist, and Other Conservative Leaders Endorse Right on Crime Statement of Principles
- Statement Supports Cost-Effective Alternatives for Nonviolent Offenders, Emphasis on Restitution and Treatment, and Performance Measures and Incentives to Move from a System That Grows When it Fails to One That Rewards Results

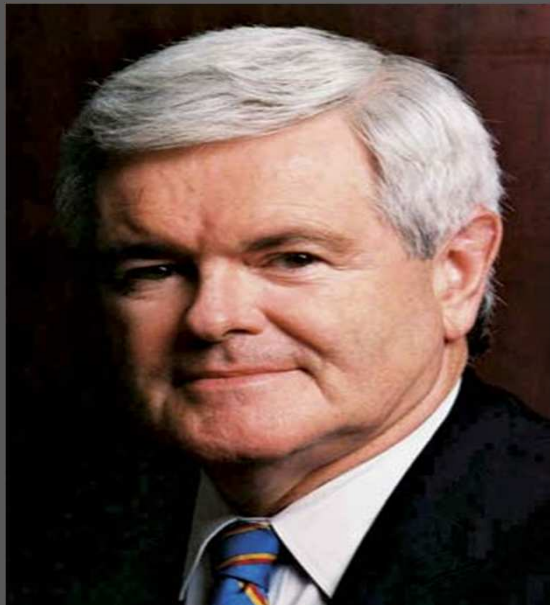


Grover Norquist,  
President, *Americans for  
Tax Reform*



# Speaker Gingrich Speaks Out

*Op-ed by Newt Gingrich & Mark Earley, Atlanta Journal-Constitution, March 23, 2010*



**“If two-thirds of public school students dropped out, or two-thirds of all bridges built collapsed within three years, would citizens tolerate it? The people of Georgia would never stand for that kind of failure. But that is exactly what is happening all across the U.S. in our prison systems.**

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**Last year, some 20,000 people were released from Georgia's prisons to re-enter our communities. If trends of the past decade continue, two-thirds of them will be rearrested within three years. That failure rate is a clear and present threat to public safety. Not only is this revolving door a threat to public safety, but it results in an increasing burden on each and every taxpayer.”**

**Is Prison the Toughest  
Penalty for Offenders?**

# Preferring Prison

*Survey of Male Inmates Shows They'd Rather Be in Prison for More Time Than Alternative Sanction for Less Time*

**Months in Prison**

**8**

**12**

	8	12
Day Fine/Work Release	114 days	137 days
Community Service	97 days	130 days
Day Reporting	6.35 months	7.93 months
Halfway House	7.28 months	9.23 months

Peter B. Wood and Harold G. Grasmick, "Inmates Rank the Severity of Ten Alternative Sanctions Compared to Prison," Oklahoma Criminal Justice Research Consortium Journal, 1995. Available at: <http://www.doc.state.ok.us/offenders/ocjrc/95/950725J.HTM>

# Do Victims Think Prison is Always the Best Solution?



# The Victims' Perspective

## Survey of Iowa Burglary Victims

Sanction	Percent Requesting
Restitution	81.4%
Community Service	75.7%
Pay Fine	74.3%
Regular Probation	68.6%
Treatment/Rehabilitation	53.5%
Intensive Probation	43.7%
Short Jail Term	41.4%
Boot Camp	40.0%
Work Release Facility	34.3%
Prison Sentence $\geq$ Year	7.1%

1997 Iowa Crime Victimization Survey, University of Northern Iowa.

# Probation Pays; Prison Doesn't

- ▣ In 2008, Texas probationers paid \$45 million in victim restitution and did \$65 million worth of community service work. And they pay more than half of the \$2.41 per day probation cost in fees.
- ▣ Texas prisoners paid less than \$500,000 in total of restitution, fines, and fees.

# Crime Hurts Families: Prison Often Makes it Worse

- Inmates owe billions in child support – can't pay
- Probationers pay \$600 million in child support
- 85% of female inmates nonviolent – average 2.2 children
- 20% of women entering prison are pregnant or have babies six weeks or younger





# Challenges & Solutions





# Public Safety & Reforming Offenders

- ▣ Alternatives with accountability.
- ▣ Probation has teeth, not just an office visit: work, treatment, drug tests, GPS, but use risk/needs assessment to avoid over-supervising.
- ▣ Since probation costs 15 to 20 times less than prison, it pays to invest in doing it right with evidence-based practices.

# Many Alternatives Work

- Maryland evidence-based probation program: 22% less recidivism for low-level nonviolent offenders than prison.
- Drug courts: 34% lower recidivism.
- Hawaii HOPE Court with swift and sure testing and sanctions: 2/3 less re-offending.
- Mental health courts: *American Journal of Psychiatry*: less total & violent recidivism.
- Florida study: GPS monitored probationers were 89% less likely to be revoked.

# Strengthening Supervision

- ▣ Probation and parole revocations for new offense or rule violations account for two-thirds of prison intakes.
- ▣ Use sanctions and incentives.
- ▣ Enhance use of risk/needs assessments to match offenders with programs.
- ▣ Enhancing confidence in probation & parole may increase use. Probation placements are up and crime by probationers is down after Texas departments began receiving state incentive funding and using graduated sanctions.

# Restitution Revolution: Victims as Consumers

- In Vermont: 91% support reparative boards. 70% plus support use for repeated shoplifting and bad checks. Re-offending 12 to 23% less than regular probation.
- 75% of U.S.: restitution & community service an effective approach.
- Restitution ordered in only 26% of property cases – a third collected.

# Stop the Revolving Door

- Employed offenders on supervision are twice as likely to succeed.
- In-prison vocational training = 9% less re-offending.
- Protect employers from lawsuits for hiring ex-offenders.
- Grant occupational licenses when offense is unrelated to the job. In some states, drug possession disqualifies a prospective barber. 2009 Texas law allows ex-offenders to obtain a provisional license.

# Promote Successful Reentry

- ▣ Half of homeless are ex-offenders.
- ▣ Transitional living where parolees without resources or family home gradually pay more of their board through employment.
- ▣ Ohio: Halfway house study found reduced re-offending for parolees safe enough for release but posing a substantial risk without housing. Ohio residents generate \$6.7 million in earnings. Cost is less than half of prison.



Norwich, CT.  
Halfway House

# The Incentive Funding Model: Aligning Goals & Funding

- ▣ Gives counties the option to receive some state funds now spent incarcerating non-violent offenders in exchange for setting a prison commitment target.
- ▣ Funds could be used for treatment, stronger probation, electronic monitoring, prevention, problem-solving policing, and victim mediation and services.

# Strengthen Probation: Demand Results

- 2008-09: CA, IL & AZ pass performance-based probation funding measures providing departments with incentive funding for fewer commitments, fewer new crimes, and more restitution. Arizona measure led to 31% decline in new crimes and 28% drop in revocations.
- Illinois bill requires system-wide use of assessment instruments that match risk and needs to supervision strategies, tracking an offender from entry to reentry.



# Problem-Solving Courts

- Drug courts: 34% lower recidivism: should focus on high-risk offenders who would have gone to prison.
- Hawaii HOPE Court with regular testing, treatment as needed, and weekend jail in few cases of non-compliance: two-thirds less re-offending, costs one-third of drug court.
- Mental health courts: *American Journal of Psychiatry*: less total & violent re-offending.

# Veterans Courts: The Newest Problem-Solving Court



*Buffalo, N.Y. Veterans' Court*

- Key elements include accountability, treatment, V.A. liaison, and mentoring by volunteer veterans
- Authorizing legislation passed in TX, NV, and IL.

- First in nation Buffalo, NY Veterans Treatment Court launched in 2008. As of Sept. 2009, only 5 of 120 participants removed and none of 18 graduates re-arrested.



*Buffalo, N.Y. Veterans' Court*

# Day Reporting Centers

- Often targeted at probationers who need more structure as alternative to initial incarceration or used as parole condition.
- Union County, PA center has 10.2% recidivism rate, Orange County, FL has 82% success rate.
- Elements may include work, treatment as needed, literacy and other instruction, job placement, meeting restitution obligations, contribution to daily cost as able, drug testing.
- North Carolina: Day reporting centers cost \$15 a day.



Day Reporting Center, Dover, DE

# Athens, Georgia Day Reporting Center



***Rick Thomas installs hardwood floors in an Athens apartment complex as part of his construction job. Thomas graduated from the Day Reporting Center opened in 2008 by the Department of Corrections. Newly released offenders with a history of a substance abuse and cognitive challenges receive counseling and supervision. To graduate, participants must hold and maintain a job for 90 days. Georgia has 11 day reporting centers.***

# Taking the Next Steps



# Asking the Right Questions: Demand Facts & Measure Results

- What percent of offenders in community corrections and prison are paying the restitution they owe?
- Which treatment, education, and work programs most reduce re-offending for each type of offender?
- What percent of offenders are paying child support?

# Asking the Right Questions: Demand Facts & Measure Results

- How many non-violent first-time offenders go to prison?
- How many probationers and parolees are revoked for rule violations who could be safely supervised and treated given sufficient resources?



# Key Resources

- ▣ Texas Public Policy Foundation  
[www.texaspolicy.com](http://www.texaspolicy.com)
  - ▣ Justice Fellowship  
[www.justicefellowship.org](http://www.justicefellowship.org)
  - ▣ Right on Crime  
[www.rightoncrime.com](http://www.rightoncrime.com)
  - ▣ Pew Center on the States  
Public Safety Performance Project  
[www.pewcenteronthestates.org](http://www.pewcenteronthestates.org)
- ▣ Council of State Governments Justice Center  
[www.justicecenter.csg.org](http://www.justicecenter.csg.org)



**Conclusion: There Are Enlightened Ways to Enhance Public Safety and Control Costs. Let's Join Together and Make It Happen.**



*The presenter is pleased to provide supporting data and additional information upon request*